

REMARKS

Claims 1-50 are all the claims pending in the application.

Claim rejections -- 35 U.S.C. § 103

Claims 1-4, 6-11, 15, 18-21, 23-28, 32-35, 37-43, and 45-48 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,539,468 to Inoue in view of European Patent App. No. 96306507.3 to Kim.

Claim 1 recites the feature of “a generating device for generating copy control information comprising first copy control information indicating a protection state of the recording information which will exist after the recording information is copied from the recording medium.” Applicant respectfully submits that this feature is not taught by any of the referenced of record.

Inoue discloses first and second watermarks. However, the presence of first and second watermarks recorded on the ROM disk only indicates that copying is entirely prohibited. In such a case, Inoue discloses that system control section prohibits the information from being output to the bus (see col. 8, lines 23-30 & 34-38). Thus, Inoue does not show generating first copy control information indicating a protection state of the recording information which will exist after the recording information is copied, as required by claim 1. Kim does not cure this deficiency because Kim contains no teachings relevant to the feature. Therefore, claim 1 is patentable over the Inoue and Kim combination at least for this reason.

Independent claims 7, 9, 10, 18, 24, 26, 27, 32, 38, 40, and 46 also recite the above feature. Therefore, these claims are also patentable over the Inoue and Kim combination for at least the reasons discussed above with regard to the patentability of claim 1. The remaining claims are patentable based on their respective dependencies.

With further regard to claim 48, this claim recites the feature of outputting the multiplexed information “at an output speed higher than a reproducing speed of the recording information from the recording medium.” The Examiner maintains that this feature is met by Kim at col. 10, line 47 to col. 11, line 5. However, Applicant respectfully disagrees.

At the cited lines, Kim is discussing the copying number limiting step. In this step, the permissible generation of the permissible generational field is compared with the present generation of the present generational field. Then, it is decided whether the permissible generation is below the present generation. If so, an output disable signal is sent to make copying impossible. If not, then the present generation is incremented by “1” and recorded on the cassette tape. In other words, a count indicating the number of times the content information has been recorded is compared to a threshold value. If that value is not reached, the count is increased. If the count has been reached, output is disabled so as to prevent further copying. The Examiner will appreciate that this teaching fails to disclose outputting information at an *output speed* higher than the speed of reproducing the signal, as required by the claim. The present generational field of Kim is merely a counter value. Inoue does not contain any

teachings relevant to this feature, as noted by the Examiner. Therefore, claim 48 is patentable over the Inoue and Kim combination for this additional reason.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 5, 17, 22, 36, and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Kim, in further view of U.S. Patent No. 6,453,304 to Manabu.

Claims 5, 17, 22, 36, and 44, each depend from independent claims 1, 9, 18, 32, and 40, respectively, each of which has been shown above to be patentable over the Inoue and Kim combination. Manabu does not cure the deficiencies of Inoue and Kim, and therefore, claims 5, 17, 22, 36, and 44 are patentable over the Inoue, Kim, and Manabu combination for at least the reasons stated above. Applicant therefore respectfully requests the Examiner to withdraw the rejection.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kevin C. Kunzendorf
Registration No. 58,308

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 17, 2006